

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

OLIVIA Y., by and through her next friend,  
James D. Johnson; JAMISON J, by and through  
His next friend, Clara Lewis; DESIREE,  
RENEE, TYSON AND MONIQUE P., by and through  
Their next friend, Sylvia Forster; JOHN A.,  
By and through his next friend, James D. Johnson;  
CODY B, by and through his next friend, Sharon Scott;  
MARY, TOM, MATTHEW and DANA W, by and through their  
next friend, Zelatra W; and SAM H, by and  
through his next friend, Yvette Bullock;  
on their own behalf and on behalf of all others  
similarly situated

Plaintiffs,

CIVIL ACTION NO.  
3:04cv251LN

V.

HALEY BARBOUR, as Governor of the State  
Of Mississippi; DONALD TAYLOR, as Executive  
Director of the Department of Human Services;  
And BILLY MANGOLD, as Director of the  
Division of Family and Children's Services  
Defendants.

COPY

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DEPOSITION OF MARTHA McDANIEL  
Taken at Bradley Arant Rose & White,  
One Jackson Place, Suite 450  
Jackson, Mississippi,  
on Wednesday, July 20, 2005,  
beginning at approximately 8:30 a.m.

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EXHIBIT

Q

1 licensed. But in the meantime, that would not  
2 prohibit us from placing the child with the  
3 relative.

4 BY MS. CREAN:

5 Q When children are placed with relatives  
6 who are not DHS-licensed foster homes, are those  
7 children in DHS legal custody?

8 A They can be in our custody or the  
9 relatives can be given custody. If it is a foster  
10 child, of course, the foster child would be in our  
11 custody.

12 Q What is the DHS policy regarding  
13 background checks prior to placing a child -- placing  
14 a foster child with a relative?

15 A We recently had additional policy that  
16 background checks were to be completed, as well as  
17 home evaluations be completed, prior to a child being  
18 placed in a relative's home. Sometimes the court opts  
19 to go ahead and place a child with a relative pending  
20 approval of the foster -- excuse me, of the relative's  
21 home. And if the court gives approval or gives an  
22 order that a child be placed in a relative's home,  
23 they're placed with the understanding that if, for  
24 whatever reason, the home is not approved, the child  
25 would be removed.